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Attorneys for Defendant Suprema, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**SECUGEN CORPORATION**

**Plaintiff,**

**v.**

**SUPREMA, INC., et al.**

**Defendants.**

**Case No. 11-CV-3450 SI**

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TEMPORARILY STAYING**  
**CASE**

1 Plaintiff SecuGen Corporation ("SecuGen") and Defendant Suprema, Inc.  
2 ("Suprema") hereby stipulate as follows:

3 In this AS, there are currently two pending lawsuits between SecuGen and  
4 Suprema.

5 In this AS, on July 10, 2008, Plaintiff SecuGen filed this action for patent  
6 infringement against Defendant Suprema "D.I. CD" ("the SecuGen Patent Infringement  
7 Action").

8 In this AS, on October 10, 2008, SecuGen filed a First Amended Complaint  
9 adding as defendants two Accell Technologies, Inc., two ASA, Inc. and Apirary,  
10 Inc. on the basis that they market or resell Suprema's product in the United States  
11 "D.I. CF".

12 In this AS, Suprema's response to the First Amended Complaint is due on  
13 December 1, 2008 "D.I. CD" and the Case Management Conference has been  
14 scheduled for January 10, 2009 "D.I. CF".

15 In this AS, on June 1, 2008, prior to the filing of the present action, Suprema  
16 filed a Declaratory judgment action in the District Court against SecuGen, seeking, *inter alia*,  
17 a declaration as to the validity and enforceability of the "IP Proceeding Clause" in the M  
18 Agreement between Suprema and SecuGen dated May 1, 2006, "Case No. 08-000000-000000"  
19 020801) as a ("the Suprema Contract Action"). SecuGen denies that the "IP  
20 Proceeding Clause" is valid and enforceable, and also counterclaimed for breach of  
21 contract and fraud,

22 In this AS, in the Suprema Contract Action, Suprema alleges that under the  
23 IP Proceeding Clause SecuGen is precluded from initiating any adverse proceeding  
24 against Suprema, including any action for infringement of any of SecuGen's IP rights,  
25 during the term of the M Agreement, which is set to expire on May 1, 2009 and

26 In this AS, SecuGen and Suprema agree that the M Agreement does not  
27 bar SecuGen's pursuit of a patent infringement action against Suprema for products

could or offered for sale on or after May 5, 2012, and therefore currently agree, at a minimum, to stay the SecuGen Patent Infringement Action until May 5, 2012, without prejudice to any party herein to extend such stay pending resolution of the Suprema Contract Action.

Therefore, IT IS ORDERED by the parties and the parties respectfully request the Court do follow:

(C) The present SecuGen Patent Infringement Action shall be stayed until May 5, 2012.

(2) Defendant's response to the Sirote Amended Complaint in the present SecuGen Patent Infringement Action shall be due within fourteen (14) days of the lift of the stay and

(3) In addition to the stipulation preventing any party from requesting an extension of time to stay from the Court pending resolution of the Suprema Contract Action.

Dated December 8, 2011 respectfully submitted,

SecuGen Corporation

Suprema, Inc.

~~XXXXXXXXXXXXXXXXXXXX~~  
Brian J. Mitchell

~~XXXXXXXXXXXXXXXXXXXX~~  
D. James Pa


Attorney for Plaintiff SecuGen Corporation

Attorney for Defendant Suprema, Inc.

under

By and for the undersigned, IT IS ORDERED

December 14, 2011

  
~~XXXXXXXXXXXXXXXXXXXX~~  
Susan Ilton  
United States District Court

## ATTESTATION PER GENERAL ORDER 45

I, Craig C. Daniel, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above have concurred with this filing.

Dated: December 1, 2011

/s/  
\_\_\_\_\_  
Craig C. Daniel

Attorneys for SecuGen Corporation